

Minutes: City Council Meeting  
January 9, 2017  
7:00 PM

The Elkton City Council met in regular session on Monday, January 9, 2017 with Mayor Jackie Boyd Weathers presiding.

City Council members present: Michael Case; Doug Gibson; David Haley; Danny Laster; Frank McReynolds; and, David Powell.

Others present: Laura Brock, City Clerk/Treasurer; Terry Frogue, Utility/Streets Superintendent; Brian Atkinson, Police Chief; Derrell Waggoner, Fire Chief; Daniel Smith, Assistant Fire Chief and Todd County Emergency Management Director; John Walton, Todd County Industrial Foundation; Donald Settle, Elkton Die Casting Technology and Community Center; Bruce Laster and guest; and, Ryan Craig, *Todd County Standard*.

Mayor Weathers called the meeting to order at 7:00 PM and led the pledge of allegiance. Mr. Laster gave invocation.

After reviewing the December 12, 2016 council meeting minutes, Mr. Gibson motioned to approve, seconded by Mr. Haley and carried unanimously.

After reviewing the December 20, 2016 special council meeting minutes, Mr. Laster motioned to approve, seconded by Mr. Powell and carried unanimously.

Mayor Weathers called for review and approval of the bills payable and financial reports. Mr. Haley motioned to approve the bills payable and financial reports, seconded by Mr. Laster and carried unanimously.

Mayor Weathers welcomed guests and called for public comments. There were no comments.

Mayor Weathers stated Mr. Michael Case requested disabled person's parking be on the agenda for this meeting. Mr. Case explained that while he was out campaigning this past year, this topic came up several times from concerned citizens. He has found that many local business parking lots do not meet the ADA guidelines for parking and that if the city police department wrote a ticket, the ticket might be dismissed due to the inadequate markings. Case reported that a sign must be installed at the space can't just be a painted marking on the space. He asked City Attorney Jeff Traughber who enforces the parking requirements on business property. Mr. Traughber stated it may be a code enforcement issue. Code Enforcement Officer Terry Frogue handed out an email from Craig Morris, Regional Planner with PADD, which stated private parking lots do not have to be in compliance until they restripe or submit a development plan to the city for expansion. A private citizen can file a complaint with the business. Traughber stated the city may need to have parking requirements in our ordinances before citations can be issued through city code enforcement.

Mr. Waggoner stated that he had concerns with the new sidewalks on North Main Street and stated the new sidewalks, particularly the bump outs on the Square and at Jefferson Street intersection, are too far out in the street to accommodate large trucks. Mr. Haley stated that project was designed by the state and that he has been told the sidewalks are designed to state regulations. Clerk Brock stated she did ask about the bump outs on the Square and was told by the engineer that they have to be designed this way to allow parallel parking spaces.

Mr. Donald Settle reported on activity of the Elkton Die Casting Technology and Community Center (EDCTCC) in the Die Casting building being leased to the non-profit by the city. Mr. Settle first stated that

when the wind is blowing from the south, he gets lots of debris and garbage along the fence line from Food Giant and possibly Five Star. He believes it is due to open garbage containers. He then updated the council on activities in the building in the last year, including that the group has reimbursed the city for their portion of the TVA lighting project in the amount of about \$3,000. Also, the group has made electrical improvements to the dock board costing about \$6,800. He estimated volunteer man hours to install the new lighting fixtures was about \$60,000. He estimated heavy equipment donated by local businesses and TVA valued at about \$110,000. Also, TVA donated two men to operate lifts for several days. The EDCTCC Board met and would like to spend about \$4,800 in repairs, approximately \$1,000 on plumbing repairs that they will complete as soon as possible, and about \$3,800 in needed repairs to the heating and air unit. The Board decided they would like to request the city give them a "vote of confidence" that they will renew the lease on the building, which expires in March 2018, for an additional 5 years under the same terms, before they make the repairs to the heating and air. Mr. Settle stated that he and the Board would like to thank the city for their cooperation and work on the building. Mr. Settle thanked the council and left the meeting.

Mr. John Walton, President, Todd County Industrial Foundation, reported the project the city and county partnered on to study the parcel on Highway 68 has been completed. He reported the Foundation gets at least one new inquiry a month. Mayor Weathers stated there have been inquiries about the Elkton Die Casting building, which would need to be discussed in closed session. Mr. Gibson stated he appreciates all the work the EDCTCC has completed on Die Casting building and commented that the building was about falling down when they took the building over. Mr. Haley motioned to go into closed session under KRS 61.810(1)(g) for discussion of the siting, retention, expansion or upgrading on business. Motion seconded by Mr. Laster and carried unanimously. Everyone left the meeting except the Mayor, council, city attorney, Clerk Brock and John Walton. Upon returning from closed session, there was no action taken. Everyone returned to the meeting and the doors were opened to the public.

City Attorney Jeff Traughber reminded everyone that at the last meeting the council asked him to draft an ordinance that would reduce the city limit boundaries as requested by Mr. Bruce Laster. The draft ordinance was passed out to everyone and reviewed. This ordinance announces the intent to reduce the city boundaries, which upon passage by the council would be sent to the County Judge Executive. Mr. Traughber asked the council to review the ordinance carefully because we do not want to start a rush on de-annexation and need to point out the uniqueness of this situation. This is just a draft and called for any recommendations. Several council members stated they liked the wording of the ordinance indicating de-annexation would be taken up on a case by case basis. Mr. Case stated he has serious misgivings and the ordinance is well worded, but it does not hold true. Furthermore, this is not a unique situation and all the city services could be worked out and provided. He also stated this being his first city council meeting he does not know the history of the annexation; however he did serve on the Planning Commission when a similar situation occurred with Silver Creek Construction who needed water service and therefore requested annexation into the city. Case stated the Planning Commission was very clear that when requesting annexation it is not something that you can just back out on in the future. Mr. Case stated the city is not legally bound to provide the services outlined in the ordinance and therefore this does not give legal grounds to de-annex because those services may not be provided. Case questioned if the council is willing to consider future de-annexations just because someone wants to back out of the city in the future and Mr. Haley and Mr. Gibson stated they were. Gibson stated the service the city promised Mr. Laster initially will now be provided by the county. Mr. Laster reminded everyone that it would cost the city \$600,000 to \$800,000 to provide him with sewer. Mr. Case stated he is mostly worried about the precedent it sets and that once we allow de-annexation to occur the city will have no future grounds to tell other people no. Any suggestions to the ordinance should be emailed to Jeff and a final ordinance will be presented at the next meeting.

Utility Superintendent Terry Frogue passed out a summary of current and future sewer projects needed in the near future. Some of the projects include reducing inflow and infiltration into the sewer collection system through broken clay pipes and old sewer lines; replacing aeration equipment for the oxidation ditches; sludge handling and dewatering; and replacement generator at the main pump station. Mayor Weathers and Frogue stated the cost for these few items would easily cost \$1 to \$1.5 million. Mayor Weathers reported she is

continuing to work on 400 citizen surveys that are needed in order to verify the city qualifies for federal funding for these projects. She reiterated that if the surveys are not fully completed then they automatically count against the city. Daniel Smith stated the generator replacement might qualify for FEMA mitigation or environmental funding. Mr. Frogue will send Daniel the specification and he will check on this possibly for the city.

Mayor Weathers reported a member of the Code Enforcement Board (Matt Nittler) has moved out of the city. Jo Glover currently serves as an alternate member of the board and has agreed to become a regular member. Mr. Case motioned to approve Jo Glover moving from an alternate to regular member of the Code Enforcement Board, seconded by Mr. McReynolds and carried unanimously.

Mayor Weathers reported the city needs to reorganize the Ethics Board since they have not met in many years. Mayor Weathers recommended appointing Anita McClain to serve an initial three year term on the Ethics Board. Mr. Powell motioned to approve the recommendation, seconded by Mr. Laster and carried unanimously. Mayor Weathers stated she needs two more people to serve on the Board.

## COUNCIL REPORTS

Mr. Haley reported resumes are still being accepted for the position of Park Director. Mayor Weathers reported Assistant City Clerk Amy Bryant continues to work on a grant application through the PADD Office to renovate the skate park. Mr. Haley stated he will now serve as the Police Department liaison and he has already met with Police Chief Atkinson. Chief Atkinson reported the Dollar General in Elkton was robbed last night and there was not clear enough video to help with many leads. The activity report for the year 2016 was passed out to the council. Mr. Haley motioned that a picture of each police officer and a departmental picture with each officer's name be taken for city records. Motion seconded by Mr. Gibson and carried unanimously. Mayor Weathers also reported that this week is Law Enforcement Appreciation Week and reiterated how much we appreciate our police officers.

Mr. Laster reported the department is continuing to work on smoke testing of sewer lines. Frogue reported they have been working on South Main Street and Allensville Street and have found some problem areas. Frogue reported the department repaired a large water leak at Royal Arms Apartments.

Frogué also reported that his most recent discussion with Kentucky Rural Water regarding city lake dam was that since it is not classified for flood control and not used for water collection, that we should tear out the dam and return it to a creek. However, they stated we should find an engineer that specializes in dams to confirm this opinion and then design specifications for removing the dam.

Frogué reported he contacted Bluegrass Cellular regarding their proposal to renew the Garth Lane water tank antenna colocation agreement for 15 more years with a 16% increase in rent every 5 years. The city countered with a proposal to amend the agreement to include a 3% rent increase annually. This would give the city more total revenue and an increase every year. Bluegrass stated they could probably do this and would send another proposal.

Mr. Powell called for a report from the fire department. Chief Waggoner reported the pumper truck needed several repairs totaling \$4,500.

Mayor Weathers recommended that Michael Case be appointed to serve as the city council member on the Recreation Commission. Mr. Powell motioned to approve, seconded by Mr. Laster. Voting in favor were Haley, Laster, Powell, Gibson and McReynolds. Case abstained. Motion carried.

Mr. Case reported he has been working with Amy Bryant on the grant application to PADD for the skate park. Mayor Weathers stated they discussed these projects in the PADD meeting today and she recommended including letters and drawings submitted by skaters with suggestions for improvements to

show community involvement. Jeff Traugher also reported this will be the last week resumes are accepted for the Park Director position.

Mr. Gibson reported the street department purchased a load of cold patch to make street repairs. Also, he may be able to get IMI to donate large concrete bins for the city to store salt.

Mr. McReynolds reported a complaint about the iron fence in the cemetery not being repaired. Clerk Brock reported the bid was awarded to the lowest bidder with the correct liability insurance requirements. Brad Sharp is the company contact and he stated it might be February or March before he can begin repairs.

#### MAYOR'S REPORT

Mayor Weathers reported that Todd County repeatedly has one of the lowest unemployment rates in Western Kentucky, currently under 4%. She stated many factories in Todd County are hiring and encouraged the council to recommend everyone looking for work to submit applications.

Mr. Haley motioned to adjourn, seconded by Mr. Laster and carried unanimously. Meeting adjourned at approximately 8:30 pm.

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Jackie Boyd Weathers, Mayor

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Laura M. Brock, City Clerk/Treasurer